STEP-BY-STEP GUIDE TO SUBPOENAS AND DEPOSITIONS IN IMMIGRATION COURT

Keep your eyes on the ball – WHEN – WHAT – WHY – WHO – HOW –
Is it worth the fight? Cost – time and money
KNOW YOUR CASE – you case in chief and your rebuttal
Build a GOOD record
Avoid procedural errors
Update record

"Dignity, fairness, respect, and control are essential in all immigration court proceedings. You should aspire to a reputation as a fair, firm and decisive judge."
Immigration Judge John F. Gossart, Jr.

Remember:

Federal Rules of Evidence may be used as a guideline. Evidence is admissible in immigration court if it is relevant, probative, and material, and not fundamentally unfair.

Remember:

The importance of the admitted evidence is the weight assigned to it by the immigration judge – 8 CFR 1003.41, 8 CFR 1287.6(b).

1. **Thorough research of the facts of the case and MUST develop your issues**
   a. Detail questionnaire to be completed by client
   b. Educate the client and LISTEN to your client
   c. Speak to previous counsel if not the original attorney of record
   d. What happened before client was placed in removal proceedings
   e. Immediately move to preserve the record if case originated with USCIS i.e. request that the recording of interview be preserved, etc.
   f. FOIA
   g. If not the original attorney of record, obtaining the file, and Service Records
   h. In family cases, interview each spouse separately

2. **Removal Proceedings begin upon issuance of Notice to Appear (even if not yet filed with the Court) – and so does your efforts for discovery**:
   a. Discovery before the Agency when NTA not filed with Court;
   b. Preserving your efforts for the fight to come.

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3. **Is client in 212 or 237 proceedings – MUST KNOW your burden of proof**

    a. WHAT do you need to challenge the case
    b. WHAT to you need to PREPARE for the case
    c. WHAT does the DHS need to prove its case
    d. WHAT does the DHS need to challenge your case

4. **What is your GOAL - the relief:**

    a. Cancellation of the NTA if NTA not filed with Court
    b. If filed with Court:
        i. Bond
        ii. Motion to Terminate and Contested MC
        iii. Motion for Continuance
        iv. Joseph Hearings, Velarde, and Hashmi
        v. Motions to Suppress
        vi. Relief and Merits Hearings

5. **MUST do everything you can to obtain the evidence and document your efforts**
    a. FOIA completed – is case eligible for FAST TRACK FOIA?
    b. The latest - *Dent v. Holder, 627 F.3d 365 2010 (9th Cir. 2010).* For more FOIA litigation see AIC: http://www.legalactioncenter.org/clearinghouse/litigation-issue-pages/freedom-information-act
    c.
    d. Who has the information you need?
        i. Is it the municipal, state, or federal government?
        ii. What are you trying to obtain – document or testimony?
    e. Tools:
        i. Letters
        ii. Sworn Statement before a Court Reporter
        iii. Request for Productions;
        iv. Interrogatories
        v. Request for Production
        vi. Depositions

6. **Discovery in Immigration Court:**

    § 1240.7 Evidence in removal proceedings under section 1240 of the Act.

    § 1003.35 Depositions and subpoenas. (Section revised 4/1/97; 62 FR 10312)

    a. KNOW YOUR CASE AND BE PREPARED
    b. Pick your fights
    c. HOW you are perceived by the OCC can go a long way;
    d. You have to practice AGAIN before this OCC and these judges again;

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e. Be the quintessential professional - ask politely, nicely, fight fair, professionally, ethically, and candidly – but fiercely!
f. **KNOW then rules – Immigration Court Practice Manual, INA, Regs, Circuit Law** - Do not take "NO" for an answer
g. FRAP does not apply but I can still use them - Matter of Magana – Interim Decision 2729 (BIA 1979) - The Federal Rules of Civil Procedure are not applicable in deportation proceedings, and there is no requirement that interrogatories propounded by an alien be answered by the Immigration and Naturalization Service. (Court held: "Suffice it to say that the Federal Rules of Civil Procedure are not applicable in deportation proceedings, and there is no requirement that requests for discovery be honored. See FED.R.CIV.P. 1, describing the scope of the rules."
h. Why do I get more discovery in a criminal prosecution than in immigration court?
i. No FRAP – No Problem – Request a Status Conference to discuss ALL pretrial issues – use the IJ to mediate – Request IJ to order parties to have a meaningful pretrial conference, and with the Court. Propose to the court for submission of a pretrial discovery plan – Help the Court by helping yourself and you will see the IJs true colors!!
j. Pretrial conferences – 8 CFR 1003.21
    i. Narrow issues
    ii. Stipulate to facts
    iii. List of proposed (and acceptance of)
        1. proposed evidence
        2. proposed witnesses – including experts
        3. proffered testimony

IF still need evidence, and DHS has it – does OCC have easier access to it? If so, plead to court that more cost and time effective if OCC just discloses, or makes witness available.

7. <u>Discovery and the OCC</u>

a. What are you requesting?
b. Is it discoverable – items excluded by Regulations and Statute
c. Communicating with OCC – put it in writing ALWAYS
d. Request for Productions - http://www.ca9.uscourts.gov/datastore/uploads/immigration/immig_west/E.pdf

An IJ "s refusal to order production of documents that may affect the outcome of proceedings can result in a violation of the alien "s due process rights. See Ibarra-Flores v. Gonzales, 439 F.3d 614, 620-21 (9th Cir. 2006) (directing IJ on remand to order production of all forms referencing alien "s prior departure, because the government "s inability to produce a voluntary departure form would be evidence that may affect the outcome of proceedings); see also Dent v. Holder, 627 F.3d 365, 374-75 (9th Cir. 2010) (concluding petitioner was denied the opportunity to fully and fairly litigate his removal and claim of defensive citizenship where

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government failed to provide petitioner with documents contained in his Alien File that could show he is a naturalized United States citizen).

e. Interrogatories
f. Request to make witness available
g. Is JENCKS Act available in removal proceedings?

8. <u>Subpoena in Immigration Court - Ask John Lennon!!</u>

<u>MUST SHOW</u>:

NECESSITY
DILIGENCE
FAILURE TO SECURE EVIDENCE

Immigration Judges may issue subpoenas for the attendance of witnesses or the production of documents during the removal proceeding. Section 240(b)(1) of the Act; 8 C.F.R. §§ 1003.35(b), 1287.4(a)(2)(ii).

Immigration Judges may issue order depositions taken for the testimony of essential witnesses who are not reasonably available for the hearing. 8 C.F.R. § 1003.35(a).

*Subpoenas may be issued sua sponte or on application of either party, provided the motion for subpoena states what the party expects to prove with the requested evidence and shows there has been a **<u>diligent but unsuccessful effort to obtain</u>** it. 8 C.F.R. §§ 1003.35(b)(1)–(2), 1287.4(a)(2)(ii)(A)–(B).*

If those requirements are met and the Immigration Judge is satisfied that the witness will not appear or produce the requested material and that the evidence is "essential," he or she shall issue a subpoena. 8 C.F.R. §§ 1003.35(b)(3), 1287.4(a)(2)(ii)(C). The Immigration Court Practice Manual contains detailed instructions for filing a motion for subpoena, as well as a sample subpoena. Immigration Court Practice Manual, § 4.20, at 82, App. N, at N-1 (Apr. 1, 2008), http://www.justice.gov/eoir/vll/OCIJPracManual/ocij_page1.htm.

Must be essential and not a "fishing expedition"." Kaur v. I.N.S., 237 F.3d 1098, 1100 opinion amended on denial of reh'g, 249 F.3d 830 (9th Cir. 2001)

i. Motion for Issuance of Subpoena to IJ –

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ii. Supporting your Motion - Do I need a legal brief?
iii. Should I ask for a hearing to argue my motion?
iv. Subpoena for production of documents and materials
v. Subpoena for witness to testify
    1. Who is the witness?
        a. DHS
        b. Other Federal Agent
        c. State Employee
        d. Municipal Employee
        e. Lay person
        f. YOUR Experts
        g. DHS Forensic Experts
        h. Former spouse i.e. I-751, I-130, etc.
        i. Former employer
vi. Motion to Compel Disclosure to OCC
vii. Motion for Sanctions

9. <u>Refusal to issue a subpoena by IJ is reversible error – PRESERVE THE RECORD</u>

i. Motions for Recusal of Immigration Judge
ii. Motions to Reconsider
iii. Interlocutory Appeals
iv. Federal Court litigation
v. State judicial or administrative action to obtain additional discovery (thing Civil Rights Violation)

10. **<u>Refusal to issue a subpoena not a reversible error</u>** –

i. 3rd Parties refusal i.e. State Trooper fails to attend hearing or deposition (in context of Motion to Suppress)
ii. State judicial or administrative action to obtain additional discovery (thing Civil Rights Violation)

11. <u>Depositions – 8 CFR 1003.35</u>

8CFR 1003.25(a) - Depositions. If an Immigration Judge is satisfied that a witness is not reasonably available at the place of hearing and that said witness' testimony or other evidence is essential, the Immigration Judge may order the taking of deposition either at his or her own instance or upon application of a party. Such order shall designate the official by whom the deposition shall be taken, may prescribe and limit the content, scope, or manner of taking the deposition, and may direct the production of documentary evidence.

i. Who and why
ii. Do I need a Subpoena or should I just notice the Deposition?
iii. *Touhy Regulations* - Can I subpoena a Government Agent in Immigration Court? Does Touhy apply in Removal Proceedings

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iv. *Subpoena Duces Tecum*
v. Subpoena Ad Testificandum
vi. Deposition notice as a vehicle to complete Interrogatories and Productions of Documents
vii. Location
viii. Costs
ix. Transcripts – filing with court
x. Should I still call the deponent at trial? You bet!!
xi. Deposition techniques and CLE course or training a must
xii. Deposing DHS personnel
    1. CBP officers
    2. USCIS officers
    3. ERO officers
    4. Law enforcement
    5. Others

Reading:

"[T]he government must make a reasonable effort in [immigration] proceedings to afford the alien a reasonable opportunity to confront the witnesses against him or her." Saidane, 129 F.3d at 1065 (internal quotation marks omitted); see also Hammad, 603 F.3d 545-46 (no due process violation where government informed petitioner of spouse "s testimony two days prior to hearing, and petitioner had opportunity to cross-examine spouse and offer rebuttal witness); Cinapian v. Holder, 567 F.3d 1067, 1075 (9th Cir. 2009) (holding "the combination of the government "s failure to disclose the DHS forensic reports in advance of the hearing or to make the reports " author available for cross- examination and the IJ "s subsequent consideration of the reports under these circumstances denied Petitioners a fair hearing."); Shin v. Mukasey, 547 F.3d 1019, 1024-25 (9th Cir. 2008) (admission of deposition testimony from former federal immigration official did not violate due process where official was cross-examined by alien "s counsel during the deposition, and official was made available during alien "s hearing if additional testimony was needed); Cunanan v. INS, 856 F.2d 1373, 1375 (9th Cir. 1988).

The Immigration Court Practice Manual – What you need to know by Linda Kenapske (AILA 2008)
http://www.ailawebcle.org/resources/Resources%20for%205-24-11%20Seminar.pdf

How to Subpoena a Government Agent: Compliance With Touhy Regulations for ICE, CBP, DEA and FBI by Elizabeth A. O'Connell, Research and Writing Specialist, Federal Public Defender's Office for the Western District of Texas
http://txw.fd.org/LinkClick.aspx?fileticket=VBQXlDyJUSQ%3D&tabid=58

Subpoenas in Immigration Court – EOIR Immigration Law Advisor (August 2011 - Vol.5 No.7)
http://www.justice.gov/eoir/vll/ILA-Newsleter/ILA%202011/vol5no7cr.pdf

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Homeland Security Attorney Assigned To Matter of --------
Department of Homeland Security
U.S. Immigration and Customs Enforcement
Office of the Chief Counsel

RE: John Doe - A ----------

Dear Sir/Madam:

Greetings.

Our firm represents Mr. ---------- in proceedings currently before ---------- Immigration Court. We are the attorneys of record for Mr. ----------. A copy of our G-28 and E-28 as previously mailed are enclosed anew.

I respectfully request your cooperation in forwarding a complete copy of Mr. --------- A-File pursuant to *Dent v. Holder*, a decision recently handed down by the Ninth Circuit Court of Appeals. No. 09-71987 (9th Cir. Nov. 9, 2010).

We respectfully request that you expedite the instant request as Mr. ---------- next hearing date is February 7, 2011.

In *Dent*, the court held that the government is obligated to provide individuals in immigration proceedings with their A-Files upon request.[1] *Id*. at 18466. According to the opinion, that conclusion was mandated by the language of 8 U.S.C. § 1229a(c)(2)(B), which provides that "the alien *shall* have access" to documents pertaining to his presence in the United States. (emphasis added). Moreover, a contrary construction would raise "a serious constitutional question," threatening the immigrant's right to a full and fair hearing required by the Fifth Amendment right to due process. *Id*. at 18465-66 (citing *Burgos-Abril v. I.N.S.*, 58 F.3d 475, 476 (9th Cir. 1995)). The court therefore concluded that Dent "should have been given access to his file."[2] *Id*. at 18467.

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[1] The court left open the issue of whether a formal request -- such as this one -- was even required to trigger the government's disclosure obligation. *Dent*, at 18467.

[2] Implicit in *Dent* is the court's view that disclosure of the A-File satisfies the statute's mandate to provide the immigrant with access documents pertaining to his presence in the United States:

> "[t]he government uses the A-file routinely in almost every case to determine whether an alien should be naturalized, and maintains an automated system to make access easy for its staff. All the official records, correspondence, photographs, applications, petitions, statements, reports and memoranda relating to immigration contacts between the alien and the government are there…"

Id. at 18464-65.

We note that the court considered -- and rejected -- the government's argument that the Freedom of Information Act provides an adequate discovery mechanism for individuals in immigration proceedings, like Mr.----------. The court went to lengths to explain that Section 1229a(c)(2)(B)'s disclosure command carries special weight in the context of removal proceedings precisely because "FOIA requests take a very long time, continuances in removal hearings are discretionary, and aliens in removal hearings might not get responses to their FOIA requests before they were removed." *Id*. at 18466.

The *Dent* decision applies with particular force to Mr. ---------- case. With an imminent merits hearing, the sluggish FOIA discovery mechanism will not bear fruit in time for Mr. ---------- to prepare his defense, thus depriving him of the due process protections to which he is entitled. As the court held, "[i]t would indeed be unconstitutional if the law entitled an alien in removal proceedings to his A-file, but denied him access to it until it was too late to use it." *Id*. at 18467.

For the reasons stated above and pursuant to *Dent v. Holder*, we respectfully request that your office provide Andrade Legal with a copy of Mr. ---------- alien file as soon as possible. If you have any questions regarding this matter, please do not hesitate to contact us.

Sincerely,

enclosure: *Dent v. Holder*, No. 09-71987 (9th Cir. Nov. 9, 2010).
cc: Client.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
KANSAS CITY IMMIGRATION COURT
KANSAS CITY, MISSOURI

BEFORE THE HONORABLE JUDGE JOHN O'MALLEY

IN THE MATTER OF:	**)**	
	)	
XXXXXXXXXX	**)**	
	)	**File No.: A XXXXXXXXX**
	)	
	)	**Master Calendar**
	)	**March 29, 2012**
In Removal Proceedings	**)**	**1:00 p.m.**

RESPONDENT'S MOTION FOR ISSUANCE OF SUBPOENAS

Raymond R. Bolourtchi, M.B.E. No. 48317
COFMAN & BOLOURTCHI, LLC
8866 Ladue Road, Suite 250
Ladue, Missouri 63124
Telephone: (314) 863-3838
Facsimile: (314) 863-3896
Attorney for Respondent

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
KANSAS CITY IMMIGRATION COURT
KANSAS CITY, MISSOURI

BEFORE THE HONORABLE JUDGE JOHN O'MALLEY

IN THE MATTER OF:	**)**	
	)	
XXXXXXXXXXX	**)**	**IN REMOVAL PROCEEDINGS**
A XXXXXXXXX	**)**	
	)	**Master Calendar**
Kansas City, Missouri Hearing	**)**	**March 29, 2012**
DHS/ICE Kansas City, MO District	**)**	**1:00 p.m.**

RESPONDENT'S MOTION FOR ISSUANCE OF SUBPOENAS

COMES NOW, Raymond R. Bolourtchi and moves this Honorable Court pursuant to ***8 CFR §§287.4(a)(2)(ii), 1287.4(a)(2)(ii), and 1003.35(b)*** and requests that subpoenas be issued to compel the release of material and substantive evidence to Respondent's case.

IN SUPPORT OF HIS MOTION, Counsel states as follows:

1. Despite Counsel's repeated requests and despite diligent efforts, Counsel has been unable to secure the documents sought and at this time the Respondent is unable to obtain the Respondent's records without subpoenas. Counsel's Affidavit is attached as Exhibit 1.

2. The undersigned requested the evidence described herein from the agencies listed below on three (3) separate occasions, but to no avail. Copies of Counsel's letters are attached as Exhibit 2.

3. The evidence sought would prove that Respondent was legitimized by his father, XXXXXXX, prior to his 18th birthday. This evidence is material and necessary to the Respondent's case. as Respondent is seeking termination of his removal proceedings further claiming that he is a United States Citizen pursuant to INA 309. Respondent has submitted all other evidence, however, the evidence sought herein will meet the fourth and final prong of INA 309(a)(4) by clear and convincing evidence.

4. Counsel prays that this Honorable Court issue a subpoena to Clerk of the Court, Jasper County Courthouse, Child Support Division, 601 South Pearl Ave., Joplin, MO 64108 and directing the release of any and all documents related to XXXXXXXXX.

5. Counsel prays that this Honorable Court issue a subpoena to Clerk of the Court, Sedgick County Courthouse, Records Department, 525 N. Main, 6th Floor, Wichita, KS 62703 and directing the release of any and all documents related to XXXXXXXXX.

6. Counsel prays that this Honorable Court issue a subpoena to the Department of Social and Rehabilitation Services, Division of Child Support Enforcement, Room 603N, Docking State Office Building, 915 SW Harrison Street, Topeka, Kansas, 66612-1570 and directing the release of any and all documents related to XXXXXXXX.

WHEREFORE, for good cause shown, Respondent prays that the instant Motion be granted and that subpoenas be issued.

Respectfully submitted on this _____ day of December 2011.

COFMAN & BOLOURTCHI LLC

By: _____

Raymond R. Bolourtchi, M.B.E. No. 48317
8866 Ladue Road, Suite 250
Ladue (St. Louis), Missouri 63124
Telephone: (314) 863-3838
Facsimile: (314) 863-3896
Attorney for Respondent

XXXXXXXXXX
A XXXXXXXXX

PROOF OF SERVICE

On December ___, 2011, I, Raymond Bolourtchi, served a copy of this *Motion for Issuance of Subpoena* and any attached pages via express mail, to the Office of the Chief Counsel at the following addresses:

Office of the Chief Counsel
Department of Homeland Security

Immigration & Customs Enforcement
Litigation Unit
2345 Grand Boulevard, Suite 250
Kansas City, MO 64108

Raymond R. Bolourtchi **Date**

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
KANSAS CITY IMMIGRATION COURT
KANSAS CITY, MISSOURI

BEFORE THE HONORABLE JUDGE JOHN O'MALLEY

In the Matter of: XXXXXX A Number: XXXXXXXXX

(PROPOSED) ORDER OF THE IMMIGRATION JUDGE

Upon consideration of *RESPONDENT'S MOTION FOR ISSUANCE OF SUBPOENAS* it is ordered that the motion be GRANTED - DENIED because:

□ DHS does not oppose the motion.

□ The respondent does not oppose the motion.

□ A response to the motion has not been filed with the court.

□ Good cause has been established for the motion.

□ The court agrees with the reasons stated in the opposition to the motion.

□ The motion is untimely per _____.

□ Other:_____
_____

Deadlines:

□ The application(s) for relief must be filed by _____.

□ The respondent must comply with DHS biometrics instructions by _____.

_____ _____

Date Immigration Judge

Certificate of Service

This document was served by: [ ] Mail [ ] Personal Service

To: [ ] Alien [ ] Alien c/o Custodial Officer [ ] Alien's Atty/Rep [ ] DHS

Date: _____ By: Court Staff_____

U.S. Department of Homeland Security
1222 Spruce Street, Room 1.100
St. Louis, MO 63103

U.S. Citizenship and Immigration Services

File#: [redacted]

I, [redacted], do hereby freely and voluntarily request to withdraw or have revoked all applications/petitions which I filed with the United States Citizenship and Immigration Services on behalf of [redacted]. I understand that no further action will be taken on these petitions.

Date: 6/7/2010

Petitioner: [redacted]

Address/Phone of Petitioner: [redacted]

Signature of Official: [redacted]

Name/Title/Agency: [redacted]

Witness Signature: _____

Name/Title/Agency: _____

S.F. SHANNON REAL ESTATE MANAGEMENT, L.L.C.

Rental Application

Name (Mr./Ms.) [redacted] Phone Number [redacted]

Social Security Number [redacted] Date of Birth [redacted]

Driver's License Number (If different from SSN) [redacted]

Marital Status ☐Married ☐Separated ☐Widowed ☐Divorced ☐Single How long? 10 yrs

Reason for Moving (check as many as apply):

☐Getting married ☐Getting divorced or separated ☐Nicer apartment ☐Lower rent ☐Living at home

☐Roommate moved ☐Job transfer ☐Moving from another area ☐Other (please state)

OK!

Present address [redacted] ZIP code [redacted] How long? 3 yrs.

Landlord's name [redacted] Phone [redacted] Rent 530. ☐wk☒mo

Previous address [redacted] How long? 2 yrs.

Landlord's name [redacted] Phone [redacted] Rent 510 ☐wk☐mo

Employed by [redacted] Position [redacted] How long? 3 3 yrs

Address [redacted] ZIP code [redacted] Phone [redacted]

Supervisor [redacted] Phone [redacted] Salary [redacted] ☐hr☐wk☐mo

Previous employer [redacted] Position [redacted] How long? 2 yrs.

Address [redacted] ZIP code [redacted] Phone [redacted]

Supervisor [redacted] Phone [redacted] Salary 34K/yr ☐hr☐wk☐mo

Other income: Source [redacted] Amount 760 ☑wk☐mo

(If applicable) Caseworker and Agency [redacted] Phone( ) [redacted]

CHARACTER REFERENCES (other than spouse)

Name	Relation	Address	Phone
[redacted]			
[redacted]			( )

EMERGENCY CONTACT (different from above)

Name	Relation	Address	Phone
[redacted]			

BANK REFERENCES

Bank name [redacted] Checking Account Number [redacted]

Address [redacted] Savings Account Number [redacted]

Is your paycheck currently being garnished for any reason, including child support? ☐Yes☐No Indicate amount 417-WNC 760 AVR

AUTO

Year	Make	License Number	Monthly Payment	Balance	Bank & Acct.#
2000	Pontiac	[redacted]	MC	0	

I, [redacted], agree to rent Apartment Number [redacted] at [redacted] [redacted] for $ 475 per month/week and follow all house rules. I understand that any false statements made herein can subject me to full prosecution under the law. I hereby give S.F. Shannon Real Estate Management, LLC, permission to check my credit for purposes of approving or rejecting this rental application.

Signed: [redacted] Date: 8/26/08

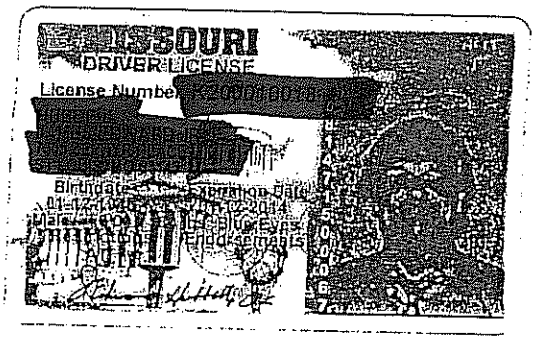
LEAD WARNING STATEMENT

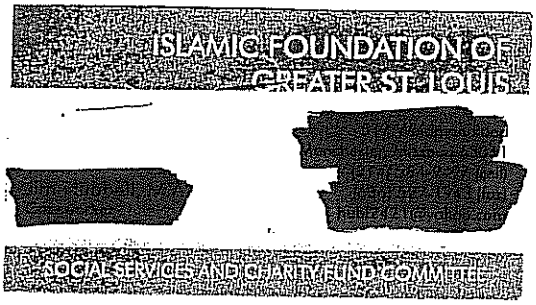
The apartment which I wish to rent was constructed prior to 1978 and therefore may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. If I am renting any apartment larger than a "zero-bedroom" apartment, I hereby acknowledge receipt of an EPA pamphlet concerning lead paint poisoning prevention.

I HAVE READ AND I FULLY UNDERSTAND the above disclosure.

Signed: [redacted] Date: 8/26/08

Revised July 2002





any false statements made herein can subject me to full prosecution under the law. I hereby give S.F. Shannon Real Estate Management, LLC permission to check my credit for purposes of approving or rejecting this rental application.

Signed: _____ Date: _____

LEAD WARNING STATEMENT

The apartment which I wish to rent was constructed prior to 1978 and therefore may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. If I am renting any apartment larger than a "zero-bedroom" apartment, I hereby acknowledge receipt of an EPA pamphlet concerning lead paint poisoning prevention.

I HAVE READ AND I FULLY UNDERSTAND the above disclosure.

Signed: _____ Date: _____

Acct.#

Keep this stub with your personal records. The other side contains important information.

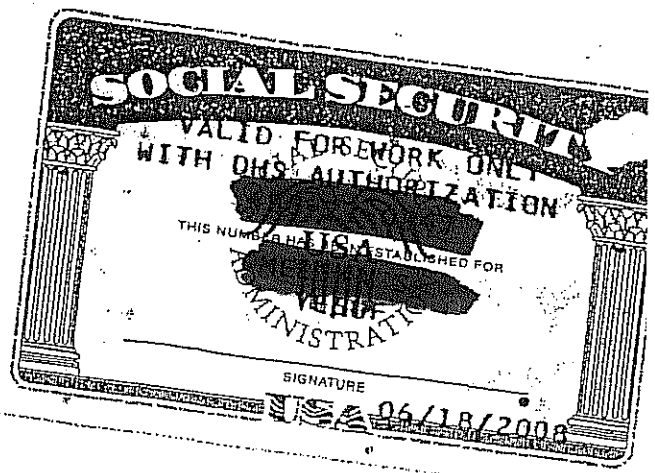
Please note: The date we issued this card is shown below the signature line.

[redacted]
[redacted]
[redacted] PL
[redacted]
ST LOUIS MO 63143-2225

YOUR SOCIAL SECURITY CAR

ADULTS: Sign this card in ink immediately.
CHILDREN: Do not sign until age 18 or your first job, whichever is earlier.

Keep your card in a safe place to prevent loss or theft.
DO NOT CARRY THIS CARD WITH YOU.
Do not laminate.



US. Department of Homeland Security

U.S. Citizenship and Immigration Services

Fraud Referral Sheet

DATE: [redacted]

CIS OFFICER: [redacted]

RECEIPT NUMBER/A-NUMBER: [redacted]

CIS SUPERVISOR: [redacted]

ATTACHED FILES: none

FORM TYPE: n400

STAGE IN ADJUDICATIONS PROCESS: post interview, predecision

- ☐ Pre-Interview
- ☒ Post-Interview

Interview Date(s): [redacted]

- ☐ Post-Decision, submitted for:
- ☒ *Documentation*
- ☒ *Investigation*

☐ INFORMATION REQUEST

REASON FOR REFERRAL (please check all that apply):

APPLY TO ALL FORMS:

GENERAL BEHAVIORAL FRAUD INDICATORS GUIDE	
☐ Extreme nervousness	☐ Lack of interest/ interaction
☐ Over interaction	☐ Eye contact
☒ Lack of knowledge about Basic questions	☒ Evasive or general answers
☐ Late for interview	☐ Answers interrupted by attorney or other
☐ Answers prompted by attorney or other	☐ Attorney attempted to distract/mislead

OTHER GENERAL FRAUD INDICATORS GUIDE	
☐ Documents Issued Immediately Before Interview	☐ Preparer, notary, etc. are the same person
☐ Over-Submissions	☐ Tip Letter
☐ Proactive/Explicit/Staged Photographs	☐ Photographic Evidence Suggests Imposter
☐ Suspect Tax Filing/Financial Transactions	☐ Biometric discrepancies
☐ Multiple applications/petitions by single applicant/petitioner	☐ Denied for abandonment or withdrawal after request for evidence issued
☐ Common preparer, attorney, interpreter (known or suspected by FDNS or under investigation)	☐ Suspicious filing history of beneficiary or applicant
☐ Suspect Documents (i.e., altered, counterfeit, boilerplate, etc.)	

SELECTED FORMS (NOT ALL INCLUSIVE):

I-130 FAMILY BASED PETITION FRAUD INDICATORS GUIDE	
☐ Short time between entry and marriage	☒ Unusual associations between family members
☐ Unusual marriage history	☐ Unusual cultural differences
☐ Children born during marriage to other parent	☐ Low employment/financial status of petitioner
☐ Unusual number of children and large discrepancy in age	☐ Preparer, notary, and minister are the same person
☐ Unusual dates on submitted documents	☐ Same employer of petitioner/beneficiary
☒ Divorce / new marriage dates close	☐ Previous marriages to foreign nationals
☒ Unusual or large age discrepancy between spouses (when found in conjunction with other indicators)	☐ More than one year in US/out of status

I-140 AND I-129 EMPLOYMENT BASED FRAUD INDICATORS GUIDE	
☐ Unknown or unusual addresses or email addresses	☐ Labor certification right before sunset of 245I (April 30, 2001)
☐ Skill / age / salary / education does not match job requirements	☐ Multiple filings by petitioner is inconsistent with company size
☐ No record of correspondence with parent company	☐ Location on ETA 750A or ETA 9035 differs from place of employment
☐ Salary offered not commensurate with the petitioner's gross and/or net income	☐ Does the documentation show that the company has changed its name and/or location frequently
☐ Zoning inconsistent with business	☐ No record of providing goods or services
☐ Unusual data in quarterly reports	☐ Boilerplate documents that are in more than one petition

I-360 RELIGIOUS WORKER FRAUD INDICATORS GUIDE	
☐ Skill / age / education and religious training does not match job requirements	☐ Preceding two years of tax documentation list different position than that petitioned for

I-360 RELIGIOUS WORKER FRAUD INDICATORS GUIDE	
☐ Congregation size does not match number of employees	☐ Service conducted at non-religious properties
☐ Zoning inconsistent with organization	

I-539 STUDENT VISA FRAUD INDICATORS GUIDE	
☐ Unusual financial support / bank statements	☐ Benefactor's income appears insufficient to cover expenses
☐ Age is not commensurate with education sought	☐ B1/B2 visitor applying for extension with insufficient evidence or motive
☐ Affidavit of support identifies benefactor as friend rather than relative	☐ Education request doesn't correlate with beneficiary's employment background
☐ Boilerplate justification to change to F1	

I-589 AND I-730 ASYLUM FRAUD INDICATORS GUIDE	
☐ Similar claims/documents on multiple applications	☐ Unusual or excessive length of stay in US
☐ Unusual travel outside US	☐ Return to country they claim to fear
☐ Conflicting information from different applications/petitions	☐ Common addresses on different applications
☐ Children that are not on I-589 but later claimed on I-730	

I-90, I-131, I-765 FRAUD INDICATORS GUIDE	
☐ Multiple filings	☐ Photographic evidence suggests imposter
☐ Name does not match what is in DHS system (e.g., CIS, ISRS, etc.)	☐ Claims of eligibility based on suspicious asylum claims

OTHER FORMS AND FRAUD INDICATORS:

OTHER FRAUD INDICATORS IDENTIFIED (PLEASE SPECIFY)
☒ Applicant may be subject of fraudulent marriage for immigration purposes. Applicant divorced husband of 7 years and married USC 3 months later. When seperated and asked questions, feigned misunderstanding and gave general answers. USC husband mistakenly said his wife had spent the day with her "husband,uh no, brother." His two grown sons have never met her. She claims to have spoken to the two sons on the phone, husband says his two sons have never spoken to her on the phone. None of his family attended the wedding. He claims his two sons were away at college and his mother was too old to attend. He claims his two sons have returned to the St. Louis area to reside permenently with his ex-wife. He says he has seen his sons numerous times, but never with his wife. He claims sons are happy about the marriage, although they are aged 20 and 23, drivers, and have never driven to his house. Her brother and his wife reside in St. Louis area, supposedly she spends a great deal of time with them and not husband. Her mail was returned as undeliverable but his mail went to address. Said she was not on his mailing list yet. Attempted to telephone two sons but only received answering machines. USC appeared quite nervous while calls were being made. Lawyer became uneasy. Applicant did not have SS# at time of filing, but has since received one and is working. Background checks show him residing at a different address than that she gave on I485. There is a 35 year age difference. She is Ethiopian, he is caucasion.
☐
☐
☐
☐

REQUIRED: ARTICULATE REASON FOR REFERRAL BASED ON FRAUD INDICATORS CHECKED
(Note location in file or attachment where indicator can be found)

☐ EXPEDITED PROCESSING REQUEST (please specify reason):

For FDNS Use Only:

FDNS Referral #

AFO/IRS Assigned:

Priority: ☐ Expedited ☐ Normal

- Sean - 1 - Florida
1 - Walden Univ. -

- Sean now - Over Eden now

find x-husband tribe

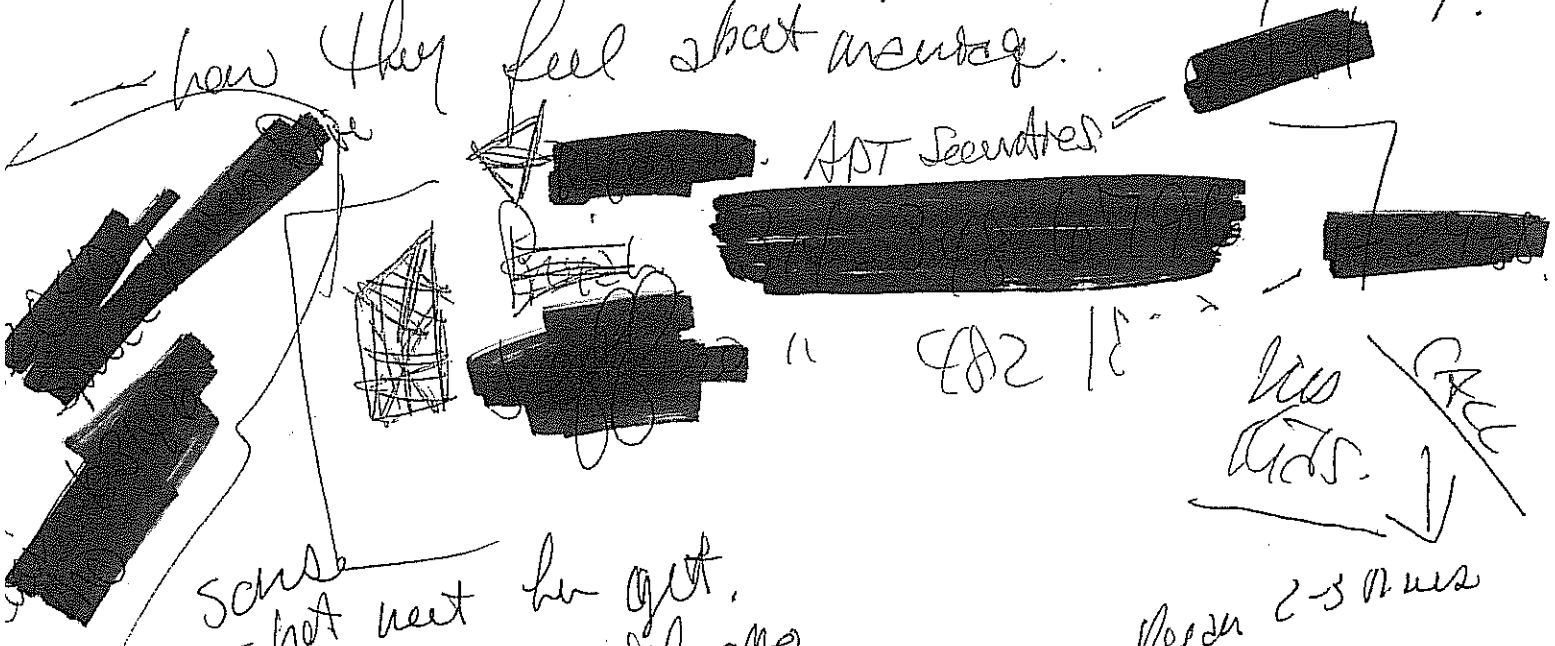
23 1 - may - graduated Beacon College FL

USC - has kids - they know about marriage?

20 1 - going to Lindenwood.

- not like being away.

- how they feel about marriage.



Sean
- not met her yet.
- June. 1 month ago.
- he has seen them since back - Jeff - 4 times
Repeat 2-3 times
he went to their house
Dick & go east.

Lin:

- he never take her to see his kids

- when show to boys? - 2-3 wks.

→ sons - have cotomother

- they never been to his apt.

- youngest are 3 yrs ago

both single.

Age - no problem w age.

- kids - nope 2

---

her

- how met his son -

[redacted]

- she never met -
- only see picture

too busy to see her

talk to her on phone.

- never talk to wife on telephone

- met wife? - no - no

- what do last nite - ~~talk + watch TV~~

- she working at - news

CNN 5pm 2am - ~~teaching about picture~~

- see him yesterday? - up 9:00. ~~work~~ to work. ate out lunch.

morning - talk - he go - the Living Room 6 PM go home.

work - job. - left - 10:45. not see again all

her -

~~Steve~~ - salad + pasta - ~~she meet at~~ she home day.

~~him - leave~~ - ~~dishes - her~~

~~The~~ ~~Sam~~ home

~2302am

usual day? - if she not work - 2 weeks -
she stay home - he go to work
everyday.

- [redacted] - her work - job - [redacted]
she work. he go to see
buddy. go to his house - had lunch.
sell - shoes, stuff, no food.

- how get job? - friend.

what he do while she working? - he go to [redacted]
Pray - mosque.
Islamic West Country

I130 and I485 checklists

I130:

Keep I-92
G-325A Petitioner
G-325A Beneficiary
Proof of citizenship of USC/LPR petitioner
Birth Certificate of petitioner, plus English translation
Marriage certificate
Divorce decree if prior marriages
Filing Fee
One photo petitioner
One photo beneficiary
ASK: how met, notate on worksheet, is marriage consummated?
Documentary evidence of marriage

Required background checks:

I130—IBIS both
I485—G325A no record
Fingerprint exp
IDENT Rap Sheet
IBIS beneficiary

I485:

FEES: I130-filing fee
I-485-filing fee
fingerprint fee

Do I-89 or make sure Bios in the system
Conditional resident paper, signed if CR/IR
G-325A Beneficiary
Evidence of legal immigration status
Medical exam
Vaccination sheet
Birth certificate of beneficiary plus English translation
I-864 with: current letter of employment
Last three years tax forms
Last three years W2's
Evidence of US citizenship or LPR status
Other evidence meet guidelines?
2 photos beneficiary
Passport page with non-immigrant visa, CANCEL if still valid

245(i) file pet/cert by 4-30-01
$1000
In US 12-21-00>1-14-98

ASK: go to Mexico, Canada, out of US while pending?
Do they have advance parole?

Appendix J: Processing Sheet

Form I-485 Processing Worksheet

A-Number [redacted]

Riding With

Special Handling

Due Date_____
☐ Age Out
☐ Fiancé(e) (CF-1)
☐ Other

Interview

] Waived ☐ Failed to Appear

ase Continued (Mark any and all reasons for continuation)

] Documentation (circle all that apply) ☐ Relating File(s) A#_____
Marriage Certificate
Birth Certificate
Divorce Decree
Other (specify)_____ to ICE 7-15-08

Background Checks (circle all that apply) ☐ Visa Availability
FBI Name Check Preference Category_____
Fingerprints Priority Date_____

Reschedule ☐ Other (i.e. refer to interviewer's notes)
Reason_____

pervisory Review Concurrence Notes: Mot through her friend -3-07.

ignature Date

terviewing Officer's recommendation for Supervisor's Concurrence (if required)
Potentially disqualifying Criminal History in Record ☐ T-file Adjudication
Grant ☐ Deny
Other (explain)_____

pervisory Review Concurrence

ignature Date

Final Decision

Approved ☐ Denied JUL 1 6 2008 ☐ Withdrawn ☐ Administratively Closed

Appeal/Motion Filed

AAO ☐ BIA ☐ District Office

Notice to Appear Issued

Yes

Randall, Kathy

From: [redacted]
Sent: Tuesday, July 15, 2008 8:15 AM
To: Bowser, Sarah D
Subject: [redacted]

[redacted]

Can you run choicepoint on this couple? ICE thinks it is fraud, I am trying to make a case for their interview today at 11:00.

Problem is, she doesn't have a ss number....so she says.

[redacted] DOB [redacted] Ethiopian
[redacted] DOB [redacted] SS# [redacted]

Thanks,
Can you let me know when this is done?

[redacted]

09:06 TECS II PERSON SUBJECT DISPLAY (1 OF 3) 071506 T2MRG005
TID= I19E T2PRG004
TECS RECORD ID P952979950OC96 ENTRY [redacted] UPDATE [redacted]
NAME- LAST [redacted]
FIRST [redacted] MID PHYSICAL IDENTIFIERS
IMAGE ALIAS M NICKNAME HISPANIC U RACE B SEX M HAIR BK EYES BR
PERSONAL- STC HT 000 000 WT 000 000 ENGLSH
S/M/T MORE
DOB 05041970 POB- CNTRY ET ST CITY CTZN ET MORE
SSN MORE AFN MORE RES EXC/SITE MORE
PPN N105124 TYPE CNTRY ET ISSDT EXPDT MORE
ADDRESS- DATE STREET APT
CITY STATE CNTRY ZIP TYPE MORE
CONTACT- CUSTOMS ONE DAY LOOKOUT PHONE 2155944100
OWNER [redacted] CASE NBR MORE
PRIMARY 0 NOT ON PRIMARY START [redacted] STOP [redacted] QRY NTFY 0
STATUS AQ ARCHIVED RECORD CAT 1D ONE DAY LOOKOUT
REMARKS- DATE 022707 MORE
PPC RECOMMEND EXAM, VERIFY ADDRESS & POSS 7A, TRAVEL WITH WIFE [redacted]
SIRAJE [redacted] 1/8/83. RES 2/27 MXP-PHL-STL [redacted] (CONFLICTS CCDI):
CONTACT PH [redacted], MUKTAR [redacted].
NO SUB-RECORDS SUBSEQUENT SCREENS ARE BLANK
THIS RECORD HAS NOT YET BEEN APPROVED
(F1/F2=HELP)(F3=MENU)(F4=HITLIST)(F8=NEXT PAGE)(F9=VIEW ACCESS)(F11=DISCLOSURE)
* 1 NCIC RESPONSES; <F12>=CK NCIC* (F14/15=LNKLIST) (F16=PRINT)(F17=HOMEREC)

UNCLASSIFIED - FOR OFFICIAL USE ONLY

TID=I19E

FQH API/PNR DATA 07/15/08 [redacted]

NAME	DOB	QUERY DATE	TIME	AGN	RSLT	LNE TYP	REF	TERM/ LANE	API
[redacted]	[redacted]	[redacted]	0000		FREQ	API			R
FRA -FRANKFURT INT'L	DOC: [redacted]				US P	INSP: APIS QRY			

API DATA ----

INDICATOR	: R	REPORTED
CARRIER CODE	: LH	DEUTSCHE LUFTHANSA AG
FLT/VES NUMBER	: 433	
ARRIVAL LOCATION	: FRA	FRANKFURT INT'L
DEPARTURE LOCATION	: ORD	O'HARE INTERNATIONAL
TRANSMITTED BY	: LUFTHANSA	DEUTSCHE LUFTHANSA
INBOUND/OUTBOUND	: OUTBOUND	

(PF3=MAIN MENU) (PF4=PREV MENU)

UNCLASSIFIED - FOR OFFICIAL USE ONLY

COMMAND: DEPARTMENT OF HOMELAND SECURITY - USCIS
CENTRAL INDEX SYSTEM - "SOUNDS LIKE" SEARCH

07/15/08
08:58:42

* LAST NAME: [redacted] (40-CHARS MAX)
FIRST NAME: [redacted] (25-CHARS MAX)

LAST NAME MATCH: 0 (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
FIRST NAME MATCH: 0 (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
PREVIEW NAME: N (Y/N)

EXACT DOB: [redacted] (MMDDYYYY)
DOB RANGE: (DATE RANGE = YYYYR; YYYY=YEAR, R=0-9)

COB: (5-CHARACTER COUNTRY CODE)
COC: (5-CHARACTER COUNTRY CODE)
POE: (3-CHARACTER PORT OF ENTRY CODE)
DOE: (MMDDYYYY)
COA: (3-CHARACTER CLASS OF ADMISSION CODE)
FCO: (3-CHARACTER FILES CONTROL OFFICE CODE)
SEX: (M/F)

*LAST NAME IS REQUIRED FIELD. OTHER FIELDS ARE OPTIONAL.
SPECIFY SEARCH CRITERIA, PRESS ENTER TO INITIATE "SOUND LIKE" SEARCH
CLEAR EXIT PF3 REFRESH PF4 MENU PF5 HELP PF6 MAIN MENU
ISPLAYED NAME AND DOB NOT FOUND

her ex-husband - no immigr. history?

- no Christ joint - no DOB?

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW			NOTICE DATE [redacted]
CASE TYPE FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS			A# [redacted]
APPLICATION NUMBER [redacted]	RECEIVED DATE [redacted]	PRIORITY DATE [redacted]	PAGE 1 of 1

[redacted]
c/o SUZANNE BROWN
LAW OFFICES OF SUZANNE BROWN PC
[redacted]
SAINT LOUIS MO 63132

You are hereby notified to appear for the interview appointment, as scheduled below, for the completion of your Application to Register Permanent Residence or Adjust Status (Form I-485) and any supporting applications or petitions. *Failure to appear for this interview and/or failure to bring the below listed items will result in the denial of your application.* (8 CFR 103.2(b)(13))

Who should come with you?

- ☐ If your eligibility is based on your marriage, your husband or wife must come with you to the interview.
- ☐ If you do not speak English fluently, you should bring an interpreter.
- ☐ Your attorney or authorized representative may come with you to the interview.
- ☐ If your eligibility is based on a parent/child relationship and the child is a minor, the petitioning parent and the child must appear for the interview.

*NOTE: Every adult (over 18 years of age) who comes to the interview must bring Government-issued photo identification, such as a driver's license or ID card, in order to enter the building and to verify his/her identity at the time of the interview. You do not need to bring your children unless otherwise instructed. Please be on time, but do not arrive more than 45 minutes early. We may record or videotape your interview.

YOU MUST BRING THE FOLLOWING ITEMS WITH YOU: (Please use as a checklist to prepare for your interview)

- ☐ This Interview Notice and your Government issued photo identification.
- ☐ A completed medical examination (Form I-693) and vaccination supplement in a sealed envelope (unless already submitted).
- ☐ A completed Affidavit(s) of Support (Form I-864) with all required evidence, including the following, for each of your sponsors (unless already submitted):
  - ☐ Federal Income Tax returns and W-2's, or certified IRS printouts, for the most recent tax year;
  - ☐ Letters from each current employer, verifying current rate of pay and average weekly hours, and pay stubs for the past 2 months;
  - ☐ Evidence of your sponsor's and/or co-sponsor's United States Citizenship or Lawful Permanent Resident status.
- ☐ All documentation establishing your eligibility for Lawful Permanent Resident status.
- ☐ Any immigration-related documentation ever issued to you, including any Employment Authorization Document (EAD) and any Authorization for Advance Parole (Form I-512).
- ☐ All travel documents used to enter the United States, including Passports, Advance Parole documents (I-512) and I-94s (Arrival/Departure Document).
- ☐ Your Birth Certificate.
- ☐ Your petitioner's Birth Certificate and your petitioner's evidence of United States Citizenship or Lawful Permanent Resident Status.
- ☐ If you have children, bring a Birth Certificate for each of your children.
- ☐ If your eligibility is based on your marriage, in addition to your spouse coming to the interview with you, bring:
  - ☐ A certified copy of your Marriage Document issued by the appropriate civil authority.
  - ☐ Your spouse's Birth Certificate and your spouse's evidence of United States Citizenship or Lawful Permanent Resident status;
  - ☐ If either you or your spouse were ever married before, all divorce decrees/death certificates for each prior marriage/former spouse;
  - ☐ Birth Certificates for all children of this marriage, and custody papers for your children and for your spouse's children not living with you;
- ☐ Supporting evidence of your relationship, such as copies of any documentation regarding joint assets or liabilities you and your spouse may have together. This may include: tax returns, bank statements, insurance documents (car, life, health), property documents (car, house, etc.), rental agreements, utility bills, credit cards, contracts, leases, photos, correspondence and/or any other documents you feel may substantiate your relationship.
- ☐ Original and copy of each supporting document that you submitted with your application. Otherwise, we may keep your originals for our records.
- ☐ If you have ever been arrested, bring the related Police Report and the original or certified Final Court Disposition for each arrest, even if the charges have been dismissed or expunged. If no court record is available, bring a letter from the court with jurisdiction indicating this.
- ☐ A certified English translation for each foreign language document. The translator must certify that s/he is fluent in both languages, and that the translation in its entirety is complete and accurate.

YOU MUST APPEAR FOR THIS INTERVIEW- If an emergency, such as your own illness or a close relative's hospitalization, prevents you from appearing, call the U.S. Citizenship and Immigration Services (USCIS) National Customer Service Center at 1-800-375-5283 as soon as possible. Please be advised that rescheduling will delay processing of application/petition, and may require some steps to be repeated. It may also affect your eligibility for other immigration benefits while this application is pending.

If you have questions, please call the USCIS National Customer Service Center at 1-800-375-5283 (hearing impaired TDD service is 1-800-767-1833).

PLEASE COME TO: U.S. Citizenship and Immigration Services 1222 SPRUCE STREET RM 1.212 RM1.212 SAINT LOUIS MO 63103 3	ON: [redacted] AT: 11:00 AM

REPRESENTATIVE COPY

REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW			Notice Date: 23-May-08
CASE TYPE FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS			A# [redacted]
APPLICATION NUMBER [redacted]	RECEIVED DATE 04/10/2008	PRIORITY DATE 04/10/2008	PAGE 1 of 1

[redacted]

C/O:
[redacted]

PLEASE COME TO: U.S. Citizenship and Immigration Services

3/I485/RM2
ON: 7/15/2008
AT: 11:00:00 AM

You are hereby notified to appear for the interview appointment, as scheduled below, for the completion of your Application to Register Permanent Residence or Adjust Status (Form I-485) and any supporting applications or petitions. *Failure to appear for this interview and/or failure to bring the below listed items will result in the denial of your application.* (8 CFR 103.2(b)(13))

Who should come with you?

- ☐ If your eligibility is based on your marriage, your husband or wife must come with you to the interview.
- ☐ If you do not speak English fluently, you should bring an interpreter.
- ☐ Your attorney or authorized representative may come with you to the interview.
- ☐ If your eligibility is based on a parent/child relationship and the child is a minor, the petitioning parent and the child must appear for the interview.

NOTE: Every adult (over 18 years of age) who comes to the interview must bring Government-issued photo identification, such as a driver's license or ID card, in order to enter the building and to verify his/her identity at the time of the interview. You do not need to bring your children unless otherwise instructed. Please be on time, but do not arrive more than 45 minutes early. We may record or videotape your interview.

YOU MUST BRING THE FOLLOWING ITEMS WITH YOU: (Please use as a checklist to prepare for your interview)

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- ☐ A completed Affidavit(s) of Support (Form I-864) with all required evidence, including the following, for each of your sponsors (unless already submitted):
  - ☐ Federal Income Tax returns and W-2's, or certified IRS printouts, for the past 3 years;
  - ☐ Letters from each current employer, verifying current rate of pay and average weekly hours, and pay stubs for the past 2 months;
  - ☐ Evidence of your sponsor's and/or co-sponsor's United States Citizenship or Lawful Permanent Resident status.
- ☐ All documentation establishing your eligibility for Lawful Permanent Resident status.
- ☐ Any immigration-related documentation ever issued to you, including any Employment Authorization Document (EAD) and any Authorization for Advance Parole (Form I-512).
- ☐ All travel documents used to enter the United States, including Passports, Advance Parole documents (I-512) and I-94s (Arrival/Departure Document).
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- ☐ Your petitioner's Birth Certificate and your petitioner's evidence of United States Citizenship or Lawful Permanent Resident Status.
- ☐ If you have children, bring a Birth Certificate for each of your children.
- ☐ If your eligibility is based on your marriage, in addition to your spouse coming to the interview with you, bring:
  - ☐ A certified copy of your Marriage Document issued by the appropriate civil authority.
  - ☐ Your spouse's Birth Certificate and your spouse's evidence of United States Citizenship or Lawful Permanent Resident status;
  - ☐ If either you or your spouse were ever married before, all divorce decrees/death certificates for each prior marriage/former spouse;
  - ☐ Birth Certificates for all children of this marriage, and custody papers for your children and for your spouse's children not living with you;
- ☐ Supporting evidence of your relationship, such as copies of any documentation regarding joint assets or liabilities you and your spouse may have together.
- ☐ This may include: tax returns, bank statements, insurance documents (car, life, health), property documents (car, house, etc.), rental agreements, utility bills, credit cards, contracts, leases, photos, correspondence and/or any other documents you feel may substantiate your relationship.
- ☐ Original and copy of each supporting document that you submitted with your application. Otherwise, we may keep your originals for our records.
- ☐ If you have ever been arrested, bring the related Police Report and the original or certified Final Court Disposition for each arrest, even if the charges have been dismissed or expunged. If no court record is available, bring a letter from the court with jurisdiction indicating this.
- ☐ A certified English translation for each foreign language document. The translator must certify that s/he is fluent in both languages, and that the translation in its entirety IS complete and accurate.

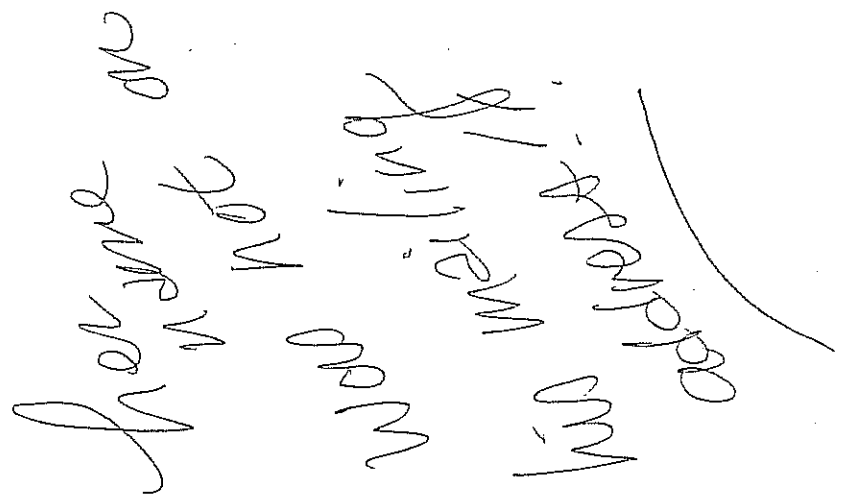
YOU MUST APPEAR FOR THIS INTERVIEW- If an emergency, such as your own illness or a close relative's hospitalization, prevents you from appearing, call the U.S. Citizenship and Immigration Services (USCIS) National Customer Service Center at 1-800-375-5283 as soon as possible. Please be advised that rescheduling will delay processing of application/petition, and may require some steps to be repeated. It may also affect your eligibility for other immigration benefits while this application is pending.

If you have questions, please call the USCIS National Customer Service Center at 1-800-375-5283 (hearing impaired TDD service is 1-800-767-1833).

SNAP Information

ASC_Code : XKC
ASC_Name : USCIS ST LOUIS
Appointment Date : 5/2/2008 9:00:00 AM
FP Bio Code : 3

FILE COPY



U.S. Citizenship and Immigration Services
P.O. Box 648005
Lee's Summit, MO 64002

ACTION COMPLETED
APPROVED FOR FILING
LX272 4-28-08 NBCSI

LX140 05/01/08 NBCSI

AF207

STATES POSTAGE PITNEY BOWES
2 1A $ 00.41⁰
0046198665 APR 15 2008
MAILED FROM ZIP CODE 60605

RECEIVED
APR 25

NATIONAL BENEFITS CENTER #2

NIXIE 631 DA 1 00 04/21/08
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
BC: 64002800505 *1315-05772-21-42

631438222E 0066
64002@8005

Department of Homeland Security
U.S. Citizenship and Immigration Servic

I-797C, Notice of Action

Receipt Number: [redacted]		Case Type: I-485 - Application to Register Permanent Residence or Adjust Status
Received Date: [redacted]	Priority Date:	Applicant: [redacted]
Notice Date: [redacted]	Page 1 OF 1	ASC Code: 3

[redacted]

Notice Type:	Receipt Notice
Amount Received:	$1,010.00

The above application has been received. **Please notify us immediately if any of the above information is incorrect.** If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

BIOMETRICS-

The next step is to have your biometrics taken, if required, at a US Citizenship and Immigration Services (USCIS) Application Support Center (ASC).

PLEASE NOTE-

USCIS WILL SCHEDULE YOUR BIOMETRICS APPOINTMENT. You will be receiving an appointment notice with a specific time, date and place where you will have your fingerprints and/or photos taken.

WHAT TO BRING TO Your appointment -

Please bring this letter and your photo identification to your appointment. Acceptable kinds of photo identification are:

- a passport or national photo identification issued by your country,
- a driver's license,
- a military photo identification, or
- a state-issued photo identification card.

If you do not bring this letter and photo identification, we cannot process you.
Please bring a copy of all receipt notices received from USCIS in relation to your current application for benefits.

CASE STATUS -

Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283.

If you have Internet access, you can visit the United States Citizenship and Immigration Services website at www.USCIS.gov where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U. S. Citizenship and Immigration Services
P.O. Box 648005
Lee's Summit, MO 64064
National Customer Service Center: 1-800-375-5283

Department of Homeland Security
National Benefits Center
Lee's Summit, MO 64064

U.S. Citizenship and Immigration Services

Unclassified
For Official Use Only

June 2, 2008

MEMORANDUM FOR: A-File/Receipt File: A[redacted]

FROM: LA196

RE: IBIS Hit Resolution for Applicant [redacted]
Subject's DOB [redacted] Subject's A# (if any): [redacted]

IBIS Hit: See attached screen print for nature of lookout/hit.

TECS Record ID: P9S29811500C96 P9I30033600CTE P9I30033600CSU

☐ Hit indicates grounds of inadmissibility; however, those grounds may be waived. An opportunity to file a waiver will be accorded.

☐ Hit indicates grounds of inadmissibility; however, those grounds may be waived. A waiver has been approved.

☐ Hit indicates that the subject is removable. Case has been referred to INV for action.

☐ Appropriate law enforcement agency (ORI) has been contacted. Officer/agent advised that CIS should take the following action: _____.

☐ Information contained in Hit was known at time of _____.
Removal/rescission/de-naturalization will not be pursued as a matter of law/discretion.

☐ Information in hit does not affect eligibility for benefit being sought.

☒ Other:

P9S29811500C96: This archived TECS record serves as a Customs one day lookout for port of entry personnel. Inspection result was negative.

P9I30033600CSU, P9I30033600CTE: This hit serves as a flag for port of entry personnel. TECS record indicate the applicant is the subject of a compliance enforcement investigation for violation of their non-immigrant status. The subject was admitted as a B2 non-immigrant on February 27, 2007, which expired on August 26, 2007. The subject appears to have overstayed her admission. TECS record owner was contacted via email and informed of the interview date, time and location. No reply received. Further investigation of any unlawful presence may be required.

I have verified and concur with resolution as stated above _____ Jeffrey Buchholz AO
(Reviewing Official's Signature)

A-Number or Receipt Number: [redacted]

#	Last Name, First Name	DOB	NO MATCH	DNR	RELATES	Resolution Memo Completed?
1	[redacted]	[redacted]	[redacted]		JUN 16 2010	
		2nd Check				☒
	☒ A ☐ P ☐ B ☐ D	3rd Check				
	[redacted]	[redacted]			JUN 16 2010	
		2nd Check				☒
	☒ A ☐ P ☐ B ☐ D	3rd Check				
	[redacted]	[redacted]			JUN 16 2010	
		2nd Check				☒
	☐ A ☒ P ☐ B ☐ D	3rd Check				
		2nd Check				☐
	☐ A ☐ P ☐ B ☐ D	3rd Check				
		2nd Check				☐
	☐ A ☐ P ☐ B ☐ D	3rd Check				
		2nd Check				☐
	☐ A ☐ P ☐ B ☐ D	3rd Check				

Properly annotate IBIS results on the ROIQ:
*Include the date of query in the the appropriate box (NO MATCH, DNR or RELATES).
*Include the initials or identifying number of the USCIS personnel conducting the query in the same box as the date.
*If the hit was a RELATES and a resolution memo was completed, check the Resolution Memo Completed Box in the last column.

NO MATCH - No information found in IBIS

DNR - Information found in IBIS but does not relate to the subject

RELATES - Information found in IBIS that relates to the subject, case referred for resolution

A = Applicant
B = Beneficiary
P = Petitioner
D = Derivative/Household Member

KR

Intv Date	Control # Box #	FCO
07/15/08	[redacted]	STL

IBIS HIT

This coversheet is to remain on IBIS Hit Files through shipping.

NBC IBIS SECTION

Interview Date: [redacted] FCO: STL

Attention NBC Personnel: If this file is **NOT** returned to the **IBIS Supervisor Desk** within 24 - hours, this case will be de-scheduled for interview.

Name: [redacted]

Date signed out: 5/27/2008

A #: [redacted]

MSC #: [redacted]

Comments:

Field Office Status Indicator

NBC Adjudications: Check appropriate box below to indicate status for field office use.

Wants/ Warrants	☐	Admissibility Issues Identified	☒	Public Safety Risk	☐
Possible Fraud	☐	Subject of Current Investigation	☒	Protection Order Both Pet & Bene	☐

A-Number or Receipt Number: [redacted]

Record Of IBIS Query (ROIQ)

No.	NAME (person/business)	DOB	Date IBIS'd /ID	No Match	DNR	Relates	Resolution Memo Complete?
1	[redacted]	01/12/1948	LX 375 MAY 27 2008	☒	☐	☐	☐
CATEGORY: ☐ A ☑ P ☐ B ☐ D		2nd Check →		☐	☐	☐	
		3rd Check →		☐	☐	☐	
2	[redacted]	01/12/1948	LX 375 MAY 27 2008	☒	☐	☐	☐
CATEGORY: ☐ A ☑ P ☐ B ☐ D		2nd Check →		☐	☐	☐	
		3rd Check →		☐	☐	☐	
X 3	[redacted]	01/08/1983	LA 196	☐	☐	☒	☒
CATEGORY: ☑ A ☐ P ☐ B ☐ D		2nd Check →		☐	☐	☐	
		3rd Check →		☐	☐	☐	
X 4	[redacted]	01/08/1983	LA 196	☐	☐	☒	☒
CATEGORY: ☑ A ☐ P ☐ B ☐ D		2nd Check →		☐	☐	☐	
		3rd Check →		☐	☐	☐	
5	[redacted]	01/08/1983	LA 375 MAY 27 2008	☒	☐	☐	☐
CATEGORY: ☑ A ☐ P ☐ B ☐ D		2nd Check →		☐	☐	☐	
		3rd Check →		☐	☐	☐	

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Include the date of query in the appropriate box (NO MATCH. DNR. ELATES).

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B = Beneficiary
D = Derivative/Household Member

A-Number or Receipt Number: [redacted]

Record Of IBIS Query (ROIQ)

No.	NAME (person/business)	DOB	Date IBIS'd /ID	No Match	DNR	Relates	Resolution Memo Complete?
6	[redacted]	01/08/1983	LX 375 MAY 27 2008	☒	☐	☐	☐
CATEGORY	☑ A P B D	2nd Check →		☐	☐	☐	
		3rd Check →		☐	☐	☐	
7	[redacted]	01/08/1983	LX 375 MAY 27 2008	☒	☐	☐	☐
CATEGORY	☑ A P B D	2nd Check →		☐	☐	☐	
		3rd Check →		☐	☐	☐	
8				☐	☐	☐	☐
CATEGORY	☑ A P B D	2nd Check →		☐	☐	☐	
		3rd Check →		☐	☐	☐	
9				☐	☐	☐	☐
CATEGORY	☑ A P B D	2nd Check →		☐	☐	☐	
		3rd Check →		☐	☐	☐	
10				☐	☐	☐	☐
CATEGORY	☑ A P B D	2nd Check →		☐	☐	☐	
		3rd Check →		☐	☐	☐	

Properly annotate IBIS results on the ROIQ:

Include the date of query in the appropriate box (NO MATCH, DNR, RELATES).

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U.S. Department of Homeland Security
Robert A. Young Federal Building
Application Support Center
1222 Spruce Street, Room 1.100
St. Louis, MO 63103-2815

U.S. Citizenship and Immigration Services

July 16, 2010

MEMORANDUM FOR: A-File [redacted]

FROM: DAO/ASCM [redacted]

SUBJECT: IBIS HIT RESOLUTION FOR (Alien's Name): [redacted]

IBIS Hit for marriage fraud (see attached) has been resolved as indicated:

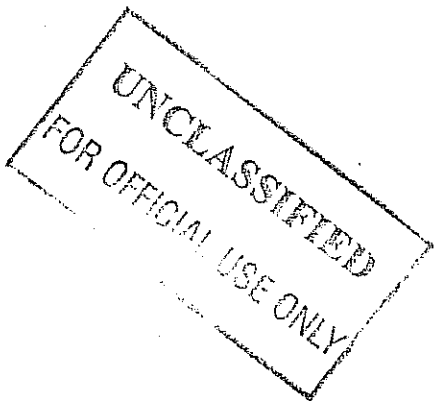
- ☐ Match indicates Terrorist: Fax information to HQISD, NSU (Turn over to FDNS IO).
- ☐ Match indicates grounds of inadmissibility; however, those grounds can be waived. An opportunity to file a waiver will be accorded.
- ☐ Match indicates grounds of inadmissibility; however, those grounds can be waived. A waiver has been approved.
- ☐ Match indicates that subject is removable. Case has been referred to ICE for action.
- ☒ Appropriate law enforcement agency (ORI) has been contacted. Officer/agent FDNS Bowser advised that CIS take the following action: deny application and petition.
- ☐ Information contained in match was known at time of Removal/rescission/de-naturalization will not be pursued as a matter of law/discretion.
- ☐ Information in match does not affect eligibility for benefit being sought.
- ☐ Other:

I have verified and concur with resolution as stated above _____

(ASCM or SDAO Signature)

11:00 TECS II - PERSON SUBJECT DISPLAY (1 OF 7) 071610 T2MRG0
TID= W87K RESTRICTED - C ACCESS LVL T2PRG012
TECS RECORD ID [redacted] ENTRY 072108 UPDATE 062110
NAME- LAST [redacted] PHYSICAL IDENTIFIERS
FIRST [redacted] MID [redacted] HISPANIC N RACE W SEX HAIR EYES
IMAGE ALIAS M NICKNAME STC HT 000 000 WT 000 000 ENGLSH
PERSONAL- S/M/T MORE
DOB [redacted] POB- CNTRY US ST MO CITY ST. LOUIS CTZN US MORE
SSN [redacted] MORE AFN MORE RES EXC/SITE MORE
PPN TYPE CNTRY ISSDT EXPDT MORE
ADDRESS- DATE 072108 STREET [redacted] APT 1E
CITY [redacted] STATE [redacted] CNTRY US ZIP [redacted] TYPE MORE
CONTACT- ICE OI - ST LOUIS MO PHONE [redacted]
OWNER [redacted] CASE NBR [redacted] MORE
PRIMARY 7 SILENT HIT START 07212008 STOP 07212009 QRY NTFY 1
STATUS SO SUSPECT, OTHER NOFLY N SLCTE N CAT BF IDENTITY & BENEFIT
REMARKS- DATE 072108 MORE
[redacted] MAY BE INVOLVED IN A SHAM MARRIAGE WITH [redacted]

NO SUB-RECORDS
PF10 = STANDARDIZED ADDRESS
(F1/F2=HELP)(F3=MENU)(F4=HITLIST)(F8=NEXT PAGE)(F9=VIEW ACCESS)(F11=DISCLOSURE)
* 1 NCIC RESPONSES; <F12>=CK NCIC* (F14/15=LNKLIST) (F16=PRINT)(F17=HOMEREC)



TID= W87K T2PRG012
TECS RECORD ID [redacted] ENTRY 022707 UPDATE 022707
NAME- LAST [redacted]
FIRST [redacted] MID PHYSICAL IDENTIFIERS
IMAGE ALIAS M NICKNAME STC HISPANIC U RACE U SEX F HAIR BK EYES BR
PERSONAL- HT 000 000 WT 000 000 ENGLSH
DOB [redacted] POB- CNTRY ET ST CITY S/M/T MORE
SSN MORE AFN MORE RES EXC/SITE CTZN ET MORE
PPN N105014 TYPE CNTRY ET ISSDT EXPDT MORE
ADDRESS- DATE STREET MORE
CITY APT
STATE CNTRY ZIP TYPE MORE
CONTACT- CUSTOMS ONE DAY LOOKOUT PHONE [redacted]
OWNER [redacted] CASE NBR MORE
PRIMARY 0 NOT ON PRIMARY START [redacted] STOP [redacted] QRY NTFY 0
STATUS AQ ARCHIVED RECORD NOFLY N SLCTE N CAT 1D ONE DAY LOOKOUT
REMARKS- DATE 022707 MORE
PPC VERIFY ADDRESS POSS 7A YOUNG HOUSEWIFE CO-TRAVEL [redacted], [redacted]
[redacted] ET PP N105124. RES 2/27 MXP-PHL-STL SAINT LOUIS CONFLICTS WITH CCDI:
CONTACT PH [redacted]
NO SUB-RECORDS

THIS RECORD HAS NOT YET BEEN APPROVED
(F1/F2=HELP)(F3=MENU)(F4=HITLIST)(F8=NEXT PAGE)(F9=VIEW ACCESS)(F11=DISCLOSURE)
* 1 NCIC RESPONSES; <F12>=CK NCIC* (F14/15=LNKLIST) (F16=PRINT)(F17=HOMEREC)

U.S. Citizenship and Immigration Services

Summary of Findings

FDU Referral Number: [redacted] **Name:** [redacted]/IO/FDNS

[redacted]

cob/coc Ethiopia, [redacted]

Subject: [redacted] **07/15/10**

Date Opened: 04/14/09

Synopsis:

Subject [redacted] has attempted to gain permanent residence through her marriage to USC [redacted]; however, [redacted] has acknowledged that they have never resided together. [redacted] withdrew the Form I-130 he filed on her behalf.

Nature of Administrative Inquiry:

Service records indicate the following immigration history for [redacted]

02/27/07 – [redacted] enters the U.S. with a B-2 visitor's visa (I94# [redacted]

08/07/07 – [redacted] divorces her Ethiopian husband, [redacted], in St. Louis;

11/30/07 – [redacted] marries USC [redacted] in St. Louis;

04/10/08 – [redacted] files Form I-130, Petition for Alien Relative, on behalf of [redacted]

04/10/08 – [redacted] files Form I-485, Application to Register Permanent Residence or Adjust Status [redacted] – currently pending.

Public Record Information: (note records obtained & provide commentary as necessary, or denote "N/A")

N/A

Interviews: (telephonic or personal, if not applicable denote "N/A")

[redacted] and [redacted] were interviewed at the St. Louis USCIS office on 07/15/08 in relation to their pending Form I-130 and Form I-485. At that time, they advised that they resided at [redacted].

Site Checks: (if performed, if not applicable denote "N/A")

On 04/14/09, reporting officer and ICE conducted a site visit at [redacted]. Reporting officer was unable to make contact with [redacted] or [redacted] however, reporting officer spoke with a neighbor. The neighbor identified a picture of

[redacted] as the prior occupant and stated he moved out in September 2008.

Record checks revealed that [redacted] and [redacted] advised USCIS that they currently resided at [redacted] On 04/17/09, reporting officer and ICE attempted to contact [redacted] and [redacted] at [redacted] Reporting officer was unable to make contact; however, reporting officer contacted the onsite building manager. The manager stated that a white man with a beard resided at the apartment and that he lived alone.

On 04/23/09, reporting officer and ICE contacted the leasing agent for [redacted] The leasing manager provided a copy of [redacted]'s lease agreement showing he signed the rental application on 08/26/08. On the application, [redacted] marked that he was "single." In addition, [redacted] listed a [redacted] as his emergency contact, instead of [redacted] The leasing manager stated that [redacted] was the only one on the lease agreement because at the time he rented the apartment, he was not married. The manager stated that a couple months after renting the apartment, [redacted] stated he had married [redacted] and added her information to the leasing file. (It is noted that [redacted] and [redacted] had already been married for nine months at the time he completed the rental application as "single.")

On 01/20/10, reporting officer and ICE again spoke with the onsite building manager. The manager recognized [redacted]'s photograph, but did not recognize [redacted]s. The manager advised that [redacted] lives alone. (It is noted that the manager resides in [redacted] next door to [redacted]

On 06/10/10, reporting officer and ICE contacted [redacted] at his residence at [redacted] Reporting officer provided identification and [redacted] allowed entry into the residence. [redacted] provided his [redacted] driver's license [redacted] for identification.

[redacted] stated that [redacted] was currently at work and added that [redacted] stayed at this address most nights. [redacted] also stated that [redacted] would occasionally sleep over at a friend's place located in the Hickory Square Apartments.

[redacted] stated that he met [redacted] through a mutual friend named [redacted] said [redacted] was married to [redacted] brother '[redacted]' [redacted] stated that [redacted] lives at [redacted] St. Louis, Missouri [redacted] which is a townhouse like apartment.

After further questioning, [redacted] admitted that [redacted] did not live with him at the [redacted] apartment. [redacted] states that [redacted] lives in the basement of the apartment occupied by [redacted] on Hickory Street. [redacted] stated he hasn't seen [redacted] in approximately a week and a half.

[redacted] stated he met [redacted] around 3 years ago through [redacted] and that they were married approximately two years ago. [redacted] said that he and [redacted] had a lot in common, but when pressed to give an example of this he could only come up with a shared Islamic faith. [redacted] acknowledged that [redacted] told him that [redacted] had a limited amount of time and

needed to be married to stay in the United States. [redacted] acknowledged marrying [redacted] to help her stay in the U.S. When asked if he had married [redacted] only to help her stay in the U.S., [redacted] stated "pretty much so." [redacted] maintained that he hoped that someday he and [redacted] could have a real relationship, but advised that "long term I don't see it." [redacted] initially stated he and [redacted] had had sex, but later admitted that they did not have sex at any time. [redacted] acknowledged that he and [redacted] never lived together. [redacted] stated that when he lived at [redacted] left a one or two dresses at the apartment in case immigration came by. [redacted] stated he does not have the money to divorce [redacted]

[redacted] withdrew the Form I-130 he had filed on [redacted]'s behalf.

Other: (if not applicable denote "N/A")

On 07/01/10, reporting officer and ICE met with [redacted], who further clarified his prior statements. [redacted] stated that he was friends with [redacted] brother [redacted] and his wife [redacted]. In Spring 2007, they introduced him to [redacted] and advised him that in order for her to stay in the U.S., she would have to marry. [redacted] stated they advised him that he would not get into trouble and that they would not live together. [redacted] stated the four of them discussed it for 1-2 months before he agreed. [redacted] acknowledged that [redacted] has never been to his apartment. [redacted] stated that they prepared for the immigration interview and [redacted] took staged photographs for immigration. [redacted] stated that they obtained a joint bank account, but that [redacted] did not use it. [redacted] stated that [redacted] also met his two adult sons. [redacted] stated [redacted] took pictures with them for immigration. [redacted] acknowledged that his youngest son was aware that the marriage was a sham [redacted] acknowledged that he lied during the immigration interview. [redacted] stated that he did not receive compensation for the marriage.

Record of Actions Taken:

On 07/15/10, [redacted] was indicted in the United States District Court-Eastern District of Missouri for Marriage Fraud, in violation of Title 8, USC, 1325(c).

Recommended Action:

As the Form I-130 has been withdrawn, the marriage was entered into solely for immigration purposes and [redacted] has been indicted for Marriage Fraud, the Form I-485 may now be denied.

Attachment List: (please attach additional documents behind this page, or denote "N/A")

Rental Application, Form I-130 withdraw, Indictment